

ORIGINAL

NEW APPLICATION



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BEFORE THE ARIZONA CORPORATION COM

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Arizona Corporation Commission

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JUL 25 2012

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

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IN THE MATTER OF THE  
ABOLITION OF THE PUBLIC  
RAILROAD CROSSING AT  
MARTIN ROAD, DOT #742-137T

DOCKET NO. RR-03639A-12-0338

UNION PACIFIC RAILROAD  
COMPANY'S APPLICATION TO  
ABOLISH THE PUBLIC CROSSING  
AT MARTIN ROAD, DOT #742-137T

Applicant Union Pacific Railroad Company ("Union Pacific"), whose post office address is 631 S. 7<sup>th</sup> Street, Phoenix Arizona, 85034, by and through its attorneys Beaugureau, Hancock, Stoll & Schwartz, P.C., pursuant to A.A.C. R14-3-106(F) and R14-3-107 and A.R.S. § 40-337(B)(2), hereby applies for authority to abolish the public grade crossing at Martin Road and Union Pacific's railroad tracks in the Town of Sahuarita, Pima County, Arizona, DOT #742-137T, at railroad milepost 23.59 ("the subject Crossing"). By submitting this application, Union Pacific does not waive its rights with respect to any lack of jurisdiction or authority of the Arizona Corporation Commission, including, without limitation, the right to assert federal preemption.

The reasons for this application follow:

1. Quail Crossing Boulevard is a divided, four-lane, asphalt road. There is a fully improved at-grade public crossing with gates and lights where Quail Crossing Boulevard intersects Union Pacific's tracks, DOT #748-177L, railroad milepost 22.82, approximately .82 miles north of the subject Crossing along the Nogales Highway.

2. Madera Highlands Parkway is a divided, four-lane, asphalt road. There is a fully improved at-grade public crossing with gates and lights where Madera Highlands Parkway

1 intersects Union Pacific's tracks, DOT #748-402B, railroad milepost 24.84, approximately 1.32  
2 miles south of the subject Crossing along the Nogales Highway.

3 3. Martin Road is a two-lane, dirt road. The subject Crossing where Martin Road  
4 intersects Union Pacific's tracks, DOT #742-137T, railroad milepost 24.84, is protected only by  
5 passive warning devices (crossbucks and a stop sign).

6 4. The subject Crossing includes a mainline track and a siding track. A train is often  
7 placed temporarily on the siding track. When a train is on the siding track, it blocks the subject  
8 Crossing so that traffic on Martin Road cannot use that Crossing.

9 5. All residential developments are located to the east of the Nogales Highway and to the  
10 east of Union Pacific's right-of-way.

11 6. Martin Road is used by only approximately 50 vehicles per day (Annual Average Daily  
12 Traffic, "AADT"), 20 of which are estimated to be trucks.

13 7. The Crossing is not needed to serve the residential developments to the east of Union  
14 Pacific's right-of-way and the Nogales Highway because Quail Crossing Boulevard and Madera  
15 Highlands Parkway provide improved access to those developments.

16 8. Abolition of the subject Crossing is in the public interest because it will eliminate an  
17 unnecessary public crossing and will redirect traffic needing to cross Union Pacific's tracks from  
18 the subject Crossing, protected only by passive warning devices, to the nearby, fully improved, and  
19 safer public crossings at Quail Crossing Boulevard and Madera Highlands Parkway.

20 9. Upon receiving permission from the Commission for abolition of the subject Crossing,  
21 the roadway approaches to the crossing will be removed, access to the Crossing will be blocked,  
22 and the Crossing surface will be removed. The costs for this work will be borne entirely by Union  
23 Pacific.  
24  
25  
26

1 For the foregoing reasons, Union Pacific respectfully applies for authority to abolish the  
2 public grade crossing at Martin Road in the Town of Sahuarita, Pima County, Arizona, DOT #742-  
3 137T.

4 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of July, 2012.

6 BEAUGUREAU, HANCOCK, STOLL, &  
7 SCHWARTZ, P.C.

8 By: Terrance L. Sims

9 Anthony J. Hancock

10 Terrance L. Sims

11 302 East Coronado Road

12 Phoenix, Arizona 85004

13 Attorneys for Applicant Union

14 Pacific Railroad Company

15 ORIGINAL AND THIRTEEN COPIES  
16 of the foregoing filed this 25 day of  
17 July, 2012, with:

18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

21 COPY of the foregoing mailed this  
22 25 day of July, 2012, to:

23 Mr. Brian Lehman, Supervisor  
24 Mr. Chris Watson  
25 Railroad Safety Section  
26 Arizona Corporation Commission  
2200 North Central Avenue, #300  
Phoenix, Arizona 85007

Janice M. Alward, Esq.  
Charles H. Hains, Esq.  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

27 Lori Curry  
28 Lori Curry